

**ALBERTA
LAW ENFORCEMENT
REVIEW BOARD**



1999 ANNUAL REPORT



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LAW ENFORCEMENT REVIEW BOARD

May 31, 2000

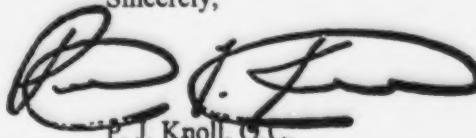
Honourable David Hancock, Q.C.
Minister of Justice and Attorney General
Room 320, Legislature Building
Edmonton, Alberta
T5K 2B6

Dear Mr. Hancock:

Re: Law Enforcement Review Board – 1999 Annual Report

In accordance with section 14 of the *Alberta Police Act* (1988), I respectfully submit the 1999 Annual Report of the Law Enforcement Review Board for the period covering January 1, 1999 to December 31, 1999.

Sincerely,



P.J. Knoll, Q.C.
Chairman

cc: P. Bourque, Q.C., Deputy Minister of Justice
R. Dunster, Assistant Deputy Minister, Public Security Division
Alberta Police Commissions
Chiefs of Police, Alberta Municipal Police Services

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CHAIRMAN'S MESSAGE

In 1999, the Board continued to work with Alberta Municipal Police Services in the area of education and recruit training. In this respect the Board provided six detailed seminars for new recruits across the province. Subjects for study included the *Police Act*, powers of arrest and detention, search, and strategies to avoid unnecessary confrontation and the filing of citizen complaints. Involvement by the Board, in this respect, is considered critical to the Board's mandate. Recruits are far better equipped to avoid public complaints and conflicts if they are properly informed as to circumstances that routinely trigger misconduct allegations and when they have a firm and defined understanding of the limits of officer authority. A pro-active approach by the Board and Alberta Services in this area is considered by the Board to be far preferable to a re-active agenda which is both damaging to the police/public relationship and far and away more costly in scarce resources. An additional step forward in regard to Board involvement in recruit education was the inclusion (1999) of Board training materials in the Calgary Police Service printed recruit studies binders. Inclusion in this context is considered of importance to the Board as it serves to demonstrate to recruits that the Board and police services have a common objective – ethical and professional delivery of policing services to the general public. The Board will continue to work with Alberta Municipal Services in the future to develop and build on the existing foundation in the critical area of recruit education.

In 1999, the Board also continued to be involved in various policing Conferences and meetings focused on emerging strategies for Police Services to deal with issues of officer misconduct and abuse of authority. A variety of accountability measures have been identified in this context (on an international scale) with the core message being one of pro-activeness rather than reliance on traditional re-active responses. Alberta Municipal Services must strive to keep informed of new initiatives and developments in this respect so as to draw from these strategies approaches and programs that will be suitable and effective in Alberta. In this connection the Board has made efforts to disseminate to all Municipal Police Services information gathered by the Board and this sharing of information will continue. The Board is also aware that some Alberta Services are in fact implementing pro-active strategies focused on accountability and early warning and these initiatives will be closely observed by the Board over the next year.

On a final note the Board has accepted invitations, over the last two years, to attend portions of the meetings of the Alberta Chiefs of Police. Participation by the Board in this forum is considered to be a very positive activity and the Board intends to continue involvement at the Alberta Chiefs Annual Meeting – whenever possible. In this connection the Board is intent on



P. J. Knoll Q.C.

developing a positive relationship and dialogue with Alberta Chiefs to the extent permitted by the Board mandate.

INTRODUCTION

Public accountability is the central issue in complaints against members of professions, such as policing. In Alberta, municipal police officers are subject to a public complaints process through the *Alberta Police Act*, SA 1988, chapter P-12.01 (with amendments in force as of June 25, 1991). The *Act* provides that the Chief of Police is primarily responsible for the disposition of complaints concerning officer misconduct or policies and services.

The Law Enforcement Review Board is the appeal body for complaints concerning officer conduct. The Board also has the power to inquire into matters concerning complaints on its own initiative (s. 17 – *Police Act*) and has the power of a Commissioner under the *Public Inquiries Act*. The activities of the Law Enforcement Review Board for the 1999 calendar year are detailed in this Report.

MANDATE AND ROLE OF THE LAW ENFORCEMENT REVIEW BOARD

The Law Enforcement Review Board (the Board) is a quasi-judicial body established under the *Alberta Police Act*. The provisions relating to the Board are found in Part 2 of the *Police Act*, Sections 9 through 20.

The Board provides an independent means for reviewing public complaints concerning police conduct and for appeals by officers resulting from any findings or action taken against them arising from a complaint. The principal activity of the Board is to hear appeals from citizens who have filed a complaint(s) about the actions of a police officer and who are not satisfied with the disposition of their complaint. The Board provides a forum both for citizens and police officers, separate and apart from the police service involved. The principal objective of the Board is to conduct an independent and impartial review of an individual's appeal.

Who Can Appeal to the Board:

- ♦ Public Complainant – A citizen may appeal the decision of a Chief of Police concerning the disposition of their complaint.

- ❖ Police Officer – A police officer may appeal any findings or action taken against the officer arising from a complaint.
- ❖ Private Investigator, Security Guard – A private investigator or security guard may appeal when refused a license or the right to retain an existing license.
- ❖ Special Constable – A person may appeal the cancellation of an employer's authorization or cancellation of a special constable's appointment.

BOARD MEMBERSHIP

The *Police Act* provides that at least one member of the Board be an active member of the Law Society of Alberta, and that the Chairman must be an active member of the Society. In the case of illness, absence or other disability of the Chairman, the member in attendance with the longest period of service on the Board shall act in place of the Chairman.

Board Member Profile:

- ❖ P. J. Knoll, Q.C., is a Professor of Law at the University of Calgary. Prior to joining the Faculty of Law Mr. Knoll served as a Crown Prosecutor with the Alberta Attorney General's Department in Calgary from 1977 to 1986. Mr. Knoll was a member of the Calgary Police Commission between 1988 and 1991, and was also Chair of the Citizens Complaint Review Committee with the Commission. In 1992, Mr. Knoll was appointed Chairman of the Law Enforcement Review Board
- ❖ C. Cunningham, C.O., LL.D., was the founder and Executive Director of Native Counseling Services of Alberta (NCSA). Dr. Cunningham was named to the Order of Canada in 1993, for his efforts in criminal justice relating to aboriginal issues and received awards from the Queen, Prince Charles and the Province of Alberta, as well as an honorary doctorate of law degree from the University of Alberta.
- ❖ G. Greig (Asst. Commissioner (Ret.)), was a member of the R.C.M.P. from 1953 to 1990. Mr. Greig also served as an Aide to the Lieutenant Governor of Alberta and was a consultant on special projects in regard to matters affecting the criminal justice system and policing. As former Asst. Commissioner for the R.C.M.P. in Alberta, Mr. Greig was responsible for the management and the operations of all R.C.M.P. law enforcement activities throughout the province. Mr. Greig was made an Honorary Chief of the Blackfoot Nation in 1990.

- ❖ F. G. Lowe was the General Manager of Air Traffic Control for Transport Canada, responsible for the Calgary International Airport. Mr. Lowe served with Transport Canada from 1960 to 1996. During his tenure with Transport Canada, Mr. Lowe was engaged in labour management negotiations and participated in numerous adjudications. In his capacity as General Manager, Mr. Lowe dealt with numerous disciplinary incidents. In 1992, he was appointed to the Calgary Police Commission and was responsible for the first Police Commission Policy Manual developed in Western Canada.
- ❖ H. A. Zelmer served as a member of the R.C.M.P. from 1966 to 1996. Mr. Zelmer was responsible for the delivery of Policing services for the City of Richmond, B.C., and held the rank of Inspector at the time of his retirement. Mr. Zelmer is currently a Management Consultant specializing in the development of policies and procedures that provide organizations with consistent quality assurance.

Terms of Membership:

Members of the Board are appointed by the Lieutenant Governor in Council. Each member is appointed for a term of not more than three years and is eligible for re-appointment. In accordance with the *Police Act* a member continues to hold office until re-appointment or a successor is appointed.

Remuneration:

All Board members are part-time and are paid on a per diem basis for the time spent on conducting Board business. Board members are provided remuneration through a general Order in Council - 162/99. Board members are also entitled to paid travel and living expenses in accordance with the Subsistence and Travel Regulation, as though they were employees of the government. Details of these Orders are available to the public.

BOARD ACCOMMODATION/STAFFING

The Board office is located in the John E. Brownlee Building - 10th Floor, 10365-97 Street in Edmonton. The office is open during regular business hours to receive inquiries from the public, police officers or a respective police service in regard to its function.

The Board has one full time staff member assigned to administer and manage appeals filed with the Board and to provide support to the Board in order to accomplish its mandate. This is the position of Board Secretary. Regular support is provided by Counsel to the Board in the handling of appeals.

Board hearings are conducted in formal venues. The Federal Court of Canada has generously provided its facilities to the Board for conducting appeal hearings in Edmonton and Calgary. For hearings conducted in other jurisdictions the Board makes suitable arrangements for the use of either Provincial, Court of Queen's Bench, or Court of Appeal courtrooms.

FINANCIAL

Board members are not public service employees and do not receive any form of employee benefits. Financial management of Board matters is coordinated through the Public Security Division of Alberta Justice. The Board does not administer its own budget and is subject to accountability for Board expenditures through normal government budgetary and expenditure review. The Board's budget for the 1999/2000 fiscal year (April 1-March 31) was \$219,000. The financial records of the Board are available for public review in the same manner and to the same extent as are other public service expenditure records.

The Board compares very favourably in respect to other law enforcement review agencies in Canada in the context of per capita expenditures. Alberta police oversight expenditure is the lowest per capita across the country. In some of the more populated provinces the cost of law enforcement review runs to millions of dollars, and greatly exceeds the Alberta per capita cost – Alberta's per capita cost is approximately \$87 per officer. There are eight municipal police services in Alberta with a combined complement of 2,512 sworn officers. Responsible and prudent expenditure in this regard arises in part from the structure of oversight functions set out in the *Police Act*. The Board attempts in all instances to carry out its duties in a cost efficient and productive manner.

DISCLOSURE

The Board's current disclosure policy provides for active dissemination of the statement or report provided by an officer(s) in response to a public complaint. In the result all appellants are provided with the report or statement (if made) of the respondent officer(s) with the return of procedural information normally provided by the Board. The Board's disclosure policy embraces the requirements of the *Alberta Freedom of Information and Protection of Privacy Act (F.O.I.P.)*.

The Board also has a current specification procedure which provides for comprehensive disclosure upon request. This procedure is considered a cost efficient mechanism for the release of records. It is also the case that the specification procedure can be implemented in such a manner that sensitive information within specified records can be retained by operation of the *F.O.I.P. Act*. In 1999, the Board processed 11 requests (25% of total appeals filed) for disclosure from appellants pursuant to section 83 of the *F.O.I.P. Act*.

FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY LEGISLATION

Since the enactment of the *F.O.I.P.* legislation in 1995, the Board has received a total of 11 requests under the *Act*. The first request was processed as required by legislation. The applicant subsequently filed an appeal with the Office of the Privacy Commissioner and both parties participated in a mediation process. The applicant then sought an inquiry under section 66 of the *F.O.I.P. Act*. After a lengthy process the Privacy Commissioner issued Order 96-003 concerning material at issue. This Order should be considered useful reading for all Alberta police commissions and Services. Other requests have been processed as required by legislation and disclosure of information was provided to the applicants pursuant to *F.O.I.P.* provisions.

During the 1999 calendar year the Board received three applications for disclosure of information under the *F.O.I.P. Act*. The first application was received from a third party for all records concerning an appeal the Board disposed of in 1995. The Board processed the request as required by law. One of the parties identified in the request objected to the release of any records and as a consequence the Board became involved in a mediation process with the affected party. Several meetings were conducted between the Board, the affected party and the Privacy Commissioner's office. In the result mediation was successful and an agreement was reached with respect to the release of certain records. The records, subject to exceptions, were then released to the applicant.

The second and third applications were received from appellants who had active appeals before the Board. Both applications were processed as required by law and disclosure was provided within the provisions of the *Act*. One applicant subsequently filed an appeal with the Office of the Privacy Commissioner with respect to the disclosure of materials provided. As of the end of the 1999 calendar year this matter remains outstanding with the Privacy Commissioner's Office.

REFERENCES AND RECOMMENDATIONS

An important function of the Board is to make References and Recommendations to municipal police commissions and police services arising from appeals filed to the Board. In most instances References or Recommendations are concerned with existing practices or policies that are considered ineffective or problematic. In the majority of cases the Board establishes interface with the municipal police commission concerned to secure productive consideration. In some instances direct contact is made with the police service involved. Following are the References and Recommendations made by the Board since 1992:

1999:

- ❖ Reference concerning officer statement(s) obtained through third party submissions (No. 013-99).
- ❖ Reference concerning promotion decisions in the context of most current information related to misconduct findings and outstanding/pending criminal charges (No. 013-99).
- ❖ Reference concerning violation of strip search policy (No. 023-99).
- ❖ Recommendation concerning a strategy to address concerns related to Arrest Processing Unit (No. 027-99).
- ❖ Reference concerning release of individuals without proper attire (No. 034-99).
- ❖ Reference concerning sufficient instruction (or suitable policy) regarding “standbys” for property removal attendances (No. 036-99).

1998:

- ❖ Reference concerning the law of arrest (No. 011-98).
- ❖ Reference concerning the development of a policy to notify employers regarding criminal charges (No. 027-98).
- ❖ Reference concerning the current practices related to “investigative detention” as compared to procedures on arrest (No. 037-98).
- ❖ Recommendation concerning the advisement to sworn officer/recruits on the legal context for power of arrest, and the differences between arrest and investigative detention (No. 037-98).
- ❖ Reference concerning a review of the policy on laying a private information (No. 040-98).

1997:

- ❖ Reference concerning Informal Resolution (No. 012-97).

- ❖ Reference concerning officers using systems/databases to obtain personal information (No. 020-97).
- ❖ Reference concerning issuance of disposition letters (No. 023-97).
- ❖ Reference concerning mediation of complaints (Nos. 034-97; 040-97).
- ❖ Reference concerning value-based program for recruit training (No. 035-97).
- ❖ Recommendation ensuring establishment of written policies regarding cancellation of Special Constable appointments (No. 039-97).
- ❖ Recommendations ensuring cancellation of Special Constable appointments are reviewed and in compliance with the requirements of Administrative and Employment Law (039-97).

1996:

- ❖ Recommendations for improvements in the disciplinary hearing process (No. 032-96).
- ❖ Recommendations for training of Presenting and Presiding Officers (No. 024-96).
- ❖ Reference concerning strip searches (No. 027-96).
- ❖ Reference concerning shackling of arrested persons and video taping Arrest Processing area (No. 018-96).

1995:

- ❖ Reference concerning officer training and detention of children (No. 029-95).
- ❖ Reference concerning enforcement of custody Orders (No. 006-95).

1994:

- ❖ Reference concerning transportation in police vans (No. 017-94).
- ❖ Reference concerning review of warrant procedures (No. 022-94).

1993:

- ❖ Recommendation concerning drug unit training and practices (No. 007-93).
- ❖ Reference concerning the Employee Assistance Program (No. 025-93).
- ❖ Recommendation concerning a note retention policy (No. 039-93).

1992:

- ❖ Reference concerning delay and procedural irregularity in complaint dispositions (No. 032-92).

CONFERENCES AND PRESENTATIONS

The Board has strived to keep abreast of new knowledge and initiatives in the areas of public complaints and police discipline practices. As part of this ongoing commitment the Board Chairman attended the following conferences in 1999:

❖ ***Conferences Attended:***

September 1-3	8 th Annual Internal Investigations Conference – “Corruption: Investigations Beyond 2000” – Sydney, New South Wales.
September 5-9	15 th Annual I.A.C.O.L.E. World Conference – Sydney, New South Wales.
October 27-29	Ethics Conference, Southwestern Law Enforcement Institute, Dallas, Texas.

In 1999, the Board Chairman made a number of presentations to various organizations upon request. The topics ranged from a general awareness of the Board and it's mandate to police discipline and the operation of Internal Affairs departments. In the coming year one of the Board's initiatives will be to provide public awareness and outreach contact to various groups regarding the Board and it's mandate. In 1999, the Board Chairman made presentations to the following organizations:

❖ ***Presentations Made:***

January 15	Edmonton Police Service – Recruit Class #92.
April 7	Calgary Police Service – Recruit Class #123.
May 4	Calgary Police Service – Recruit Class #124.
May 19	Edmonton Police Commission Meeting.
June 1	Calgary Police Service – Recruit Class #125.
June 28	Edmonton Police Service – Recruit Class #93.

September 1-3	8 th Annual Internal Investigations Conference – “Corruption: Investigations Beyond 2000” – Sydney, New South Wales (Chair of Panel).
September 5-9	15 th Annual I.A.C.O.L.E. World Conference – Sydney, New South Wales (Chair of Panel).
October 27-29	8 th Annual Ethics Conference - Southwestern Law Enforcement Institute, Dallas, Texas (Keynote Speaker).
November 3	Calgary Police Service – Recruit Class #126.

SUMMARY OF BOARD DECISIONS

CITIZEN APPEALS

ALLOWED OR ALLOWED IN PART:

- ❖ Mr. E. Armitage filed an appeal alleging officers had unlawfully removed him from Big Al's lounge. Numerous complaints were originally filed with the Service with respect to unlawful exercise of authority, excessive force, discreditable conduct and failure to notify Mr. Armitage of his right to counsel. In considering all of the evidence given at the appeal hearing the Board allowed the appeal, in part, in that the Chief's disposition of "counselling" for one of the officers was quashed. This matter was further remitted back to the Chief of Police for consideration and disposition. The Board, however, was not satisfied that Mr. Armitage had met the burden of proof, which falls to the appellant, with respect to his other complaints and the appeal was accordingly dismissed. Joint References were made to the Police Commission and the Chief of Police concerned. A further Reference was made to the Police Commission regarding monitoring of the remitted matter.

- ❖ Mr. G. Currie filed an appeal alleging breach of confidence in that a detective disclosed information to Mr. Currie's colleagues in the context of a confidential R.C.M.P. file. The detective asserted that the R.C.M.P. "had him" on a prior incident. The Board was satisfied on the evidence that the detective did in fact reveal confidential information to Mr. Currie's fellow employees. This was done, in the Board's estimation, either carelessly, or to create positive leverage for the manner in which the detective had managed the investigation. The Board was equally satisfied that no harm came to the appellant from disclosures that were in fact made. In the result the appeal was allowed.

The officer was ADMONISHED by the Board in two respects - for his indiscreet use of confidential information; and for carelessly providing inaccurate information to the Internal Affairs department.

- ❖ Mr. D. Drews filed an appeal alleging he had been subject to abuse and mistreatment by various members of the Service. Mr. Drews' specific complaints were that he was subject to "over-cuffing" and that various arresting officers ignored his requests that the handcuffs be loosened. In addition Mr. Drews alleged he was improperly treated while in police detention in that his medical condition was ignored when brought to the attention of various members of the Service. The Board considered all of the evidence given at the appeal and was satisfied that Mr. Drews had met the burden of proof in regard to one instance of complaint. It was clear that notations were not made in the Gaol Section records concerning the appellant's medical condition because the arresting officers did not see fit to record or advise with respect to those assertions. The Board was also satisfied that others in the Detention Unit similarly failed to make a record of these assertions. The difficulty in this respect was found by the Board to be organizational and not individual specific. The appeal was allowed concerning the complaint of lack of attention to the asserted medical condition. The appeal was otherwise dismissed against all complained against officers. A Joint Reference was made to the Police Commission and the Police Service involved.
- ❖ Mr. K. Grabowsky filed an appeal alleging a detective had improperly and without justification struck him (Mr. Grabowsky) with his police vehicle. Mr. Grabowsky alleged that the detective had also acted in an abusive, inappropriate and unprofessional manner in dealing with him and his associates, and that a racist observation was directed toward him. The officer was issued an Official Warning by the Chief of Police as a result of the racist comment - Mr. Grabowsky took the position that the penalty was insufficient for the misconduct. The Board did not accept this proposition and was satisfied that the penalty was appropriate for the found misconduct. With respect to the unprofessional conduct the Board viewed evidence that the appellant was not roughly grabbed or pulled and as a result the appeal was dismissed on this point. However, oral and videotape evidence supported the allegation that the officer "bumped" the appellant with his vehicle on at least two occasions. After careful consideration of the law the Board was satisfied that the detective had no authority to move his police vehicle forward and bump the appellant as he did. In the result the Board was persuaded that the appellant had met the burden at law and the appeal in this connection was allowed. The detective was ADMONISHED by the Board.
- ❖ Mr. V. Lowry filed an appeal alleging an officer improperly entered his (Mr. Lowry's) residence and allowed for the removal of matrimonial property that should not have been taken. Mr. Lowry further alleged that the officer failed to take action against a third party for operating an uninsured vehicle. The evidence was not persuasive that the officer knowingly neglected his duty in this respect. At the outset the Board was persuaded, on balance, that the officer acted in good faith when he attended at the appellant's residence - his intention was to be present throughout as a peacemaker. The problem identified was found to be organizational and not of an individual context. The officer was found to have

misapplied the law but to have done so bona fide and for reasons he perceived to be legitimate. The Board was not persuaded that Mr. Lowry was "coerced" into allowing the officer and the third party into the residence. The Board was persuaded that the Police Service had failed to provide sufficient instruction to its members concerning "standbys" for property removal attendances. The appeal was allowed as the appellant was justified in his complaint that the Police Service should not allow for officers to "standby" in the manner that occurred – the remedy, however, was found to be one related to the Service and not to the officer. A Reference was made to the Chief of Police.

- ◆ Mr. W. Morin filed an appeal alleging numerous complaints against officers in that they did not identify themselves, they were rude and insulting toward him, they unlawfully detained him and excessive force was used. The Board was persuaded on the evidence that no foundation had been provided on which to cause a charge to be advanced against one of the officers. However, the Board was satisfied that the appellant had met the burden of proof to the extent that charges were directed against the second officer. The appeal was allowed to the extent that four disciplinary charges were DIRECTED against the second officer. The appeal was dismissed on all other aspects of complaint.
- ◆ Ms. A.P. filed an appeal arising from a complaint she had made with the Service regarding an alleged sexual assault by a police officer. The appellant's original complaints against the police officer were investigated in the context of a criminal allegation, however, a "Service Investigation" was never completed – with respect to potential violations of the *Police Act* (s. 45) or the *Police Service Regulation* (356/90). Ms. A.P. alleged a general cover-up by the investigating officers and their neglect of duty in advising her of the status of the investigation. In considering the evidence given at the hearing the Board was not satisfied that Ms. A.P. had met the burden of proof concerning the allegations against the investigating officers. However, the Board allowed the appeal in part. An investigation was conducted but only partial compliance was provided – an investigation was not completed as to any "contravention of the Regulations", nor was Ms. A.P. provided an obligatory response concerning the investigation by the Chief of Police. The Chief of Police was DIRECTED to conduct an investigation into the actions (sexual assault) of the police officer in the context of regulatory misconduct.
- ◆ Mr. R. Tiedemann filed an appeal alleging he was unlawfully removed from Dusty's Saloon. Other complaints were filed concerning the conduct of members. The Service found no misconduct with respect to one officer, however, one other officer received an Official Warning for engaging in Unlawful/Unnecessary Exercise of Authority. The Board heard evidence regarding this appeal and DIRECTED that the Chief of Police lay two charges against the officer. The first charge was reflective of the allegation that Mr. Tiedemann was unlawfully and improperly ordered to leave the premises of Dusty's Saloon. The second charge was reflective that Mr. Tiedemann's feet were unlawfully and improperly knocked out from under him as he exited Dusty's Saloon. The appeal was allowed insofar as charges and a disciplinary hearing were directed concerning the respondent officer. The appeal was dismissed on all other aspects of the complaint and the decision of the Chief of Police was affirmed in that regard.

DISMISSED UPON HEARING:

- ❖ Mr. A. Blanes filed an appeal alleging that officers evicted him from the annual general meeting of the Handicapped Housing Society of Alberta and that they acted as "agents of suppression of freedom of assembly and freedom of speech". After hearing the evidence presented the Board was persuaded, without question, that Mr. Blanes' complaints were entirely without merit and that no officer misconduct occurred. The appeal was therefore dismissed.
- ❖ Mr. Q. Brown filed numerous complaints when his vehicle was involved in an accident. Specifically, Mr. Brown alleged that his vehicle was unnecessarily towed and that he was not permitted to privately arrange a tow, keys and documents related to his vehicle were lost, a copy of the accident report was not provided to him, the officer suggested he (Mr. Brown) was dishonest concerning the registration status of his vehicle, and that he was pressured into charging the driver of his vehicle. The Board was persuaded on the evidence that the damage to the appellant's vehicle rendered it inoperable and as a result the vehicle had to be towed at the first opportunity – no impropriety was found in this respect. With respect to the issue of lost keys and documents the Board was not persuaded on the balance of evidence that the Service or the officer were proven to have lost the car keys. The Board was satisfied that the Service's determination was appropriate in the context of restitution for the careless handling of documents, however, it was considered inadequate with respect to the appellant's overall treatment. With respect to remaining allegations the Board was not satisfied that the appellant had met the burden of proof. The Board found that the Chief of Police was justified in the determinations made and the appeal was therefore dismissed.
- ❖ Mr. F. Castillo filed an appeal arising from an incident that occurred in the parking lot of the Elbow River Casino. Mr. Castillo alleged officers assaulted and brutalized him, and made insulting and abusive comments toward him. With respect to injuries obtained by Mr. Castillo, the Board, on balance, was not satisfied that the allegation was proven as alleged. In considering all of the evidence given at the appeal, the Board was not satisfied that Mr. Castillo had met the burden of proof. This applied to all of the issues raised by the appellant. The appeal was therefore dismissed.
- ❖ Mr. R. Creighton filed an appeal alleging an officer, who attended his residence to serve him with documents, was rude and abusive. In addition Mr. Creighton claimed the officer entered his residence and "shoved" him, almost knocking him to the floor. The Board found the complaints to be without evidential foundation and was not persuaded that Mr. Creighton had met the burden of proof. The appeal was accordingly dismissed.
- ❖ Mr. M. Deslauriers filed an appeal alleging that a detective who was conducting an investigation involving him (Mr. Deslauriers), failed to inform him of his rights. Mr. Deslauriers also stated that the detective failed to inform him that the investigative file was closed for lack of corroboration. The Board considered the evidence given at the hearing and was not persuaded on balance that an inordinate delay occurred with respect

to the timeliness of the Rights being given. The Board found contradictory evidence on the complaint of failure to communicate closure of the investigation and was left in some uncertainty as to how and on what terms the parties separated. In any event the Board was not persuaded that any misconduct had occurred in that connection. Therefore, the appeal was accordingly dismissed.

- ❖ Mr. D. Gyoerick filed an appeal alleging numerous complaints of misconduct when officers attended his residence and questionned him about an earlier pizza delivery. Specifically Mr. Gyoerick stated officers unlawfully entered his residence without his consent, he was arrested without lawful reason, he was struck in the face and as a result a cigarette was knocked from his mouth, his girlfriend was advised she was under arrest when there was no cause, and that police used loud and rude language in his residence. It was the general finding of the Board that the evidence of appellant was particularly unreliable due to his alcohol consumption and admitted difficulty regarding memory of events. The Board was therefore not satisfied that Mr. Gyoerick had met the burden of proof regarding instances of misconduct, and the appeal was dismissed.
- ❖ Mr. H. Janzen filed an appeal alleging an officer laid charges against him without cause and absent a sufficient and thorough investigation. The Board was persuaded, on balance, that such steps were taken in the investigation that a reasonable person would be satisfied that grounds were sufficient to arrest and charge the appellant. In the result the Board found no misconduct by the officer, however, the matter as a whole was considered an object lesson that the criminal justice system is often a poor vehicle to remedy matters best dealt with by mediation, family counseling intervention, or other measure of a less blunt or intrusive nature. The Board was satisfied that the disposition of the Chief of Police was justified and the appeal was therefore dismissed.
- ❖ Mr. K. Lee filed an appeal alleging that a detective had failed to thoroughly investigate a child sexual abuse allegation as it related to his former wife and daughter. After considering the whole of the evidence the Board was persuaded that the appeal must be dismissed. In the result the investigation was more than adequate and no misconduct was found to have occurred on the part of the detective. The appeal was therefore dismissed.
- ❖ Mr. B. Sharpe appealed the decision of the Chief of Police regarding complaints that he was arrested without lawful cause and without an opportunity to provide his side of the story. In addition Mr. Sharpe alleged that one officer made inappropriate comments toward him, that the police failed to lock the front door of his residence, that he was arrested and detained without suitable clothing, and that he was released from the police station the following morning without proper footwear – the streets being cold and snow covered. The Board was persuaded, on balance, that lawful grounds existed in the arrest of Mr. Sharpe. Had the appellant (after his arrest) provided significant exculpatory information, his arrest would have been abated. With respect to the complaint of abusive and insulting remarks the Board was left in uncertainty and was obliged to dismiss the complaint due to insufficient proof. It was the Board's finding that although the officer failed to actually lock the door he made his best efforts and reasonably concluded that the lock was engaged. Evidence was heard that more than one offer was made to Mr. Sharpe

that the police be permitted entry into the home to retrieve his coat and footwear. These offers were rebuffed by Mr. Sharpe. The Board found any complaint in this connection to be unsupportable and the appeal was accordingly dismissed. However, with respect to the release without proper footwear the Board considered this matter far different from the clothing issue raised. When a person is taken into lawful custody a legal obligation arises that the police exercise a duty of care in the treatment and handling of such persons. This issue was not within the Board's jurisdiction and a Reference was made to the Police Commission.

- ❖ Mr. J. Skaff filed an appeal alleging an officer failed to investigate a complaint of theft in a thorough and fair manner, and as a consequence Mr. Skaff was charged with theft. The specific issue to be dealt with on this appeal was the adequacy of grounds to have laid a charge against Mr. Skaff for possession of stolen property. On balance the Board was persuaded that the officer had acquired sufficient investigatory information to lay the charge. The Board was not satisfied that Mr. Skaff had met the burden of proof and the appeal was accordingly dismissed.
- ❖ Mr. B. Taylor filed an appeal alleging he was improperly arrested and handcuffed without just cause, and that he was assaulted, causing injury, while in Arrest Processing. Upon hearing the evidence the Board found that the complaints concerning improper arrest and cuffing must be dismissed. With respect to the allegation of assault and bodily harm the Board dismissed Mr. Taylor's complaints on the balance of the evidence. However, as part of this decision the Board identified a Collateral issue which dealt with action to be taken in the Arrest Processing Unit. Recommendations were made to the Police Commission and the Chief of Police. The appeal was accordingly dismissed.
- ❖ Ms. J. Thomson filed an appeal alleging officers used excessive force, were verbally abusive and insulting toward her, and did not advise her or provide her with a reason for her arrest. Ms. Thomson was a picket captain for various members of C.U.P.W. and was participating in a lawful demonstration outside Canada Post offices. Ms. Thomson's complaints arose when she became involved with another protest group that was demonstrating across the street. The Board considered all of the evidence provided at the hearing and was not satisfied that Ms. Thomson had met the burden of proof. It was the Board's conclusion that the circumstances warranted the reasonable use of force by the officers concerned. The Board was also satisfied that lawful grounds existed to arrest Ms. Thomson and that she was in fact advised of her arrest. The Board was not satisfied that any comment was made that would amount to a misconduct under the *Police Service Regulation*. The appeal was therefore dismissed.

DISMISSED – LACK OF JURISDICTION:

- ❖ Mr. L. Zachow filed an appeal arising from a complaint he made concerning harassing telephone calls made by volunteer workers of the Police Service. At Mr. Zachow's scheduled hearing arguments were advanced that the Board was without jurisdiction as the

appellant's Notice of Appeal to the Board did not raise any issue concerning the subject police officer – only volunteers of the Service. On consideration of this matter the Board was compelled that it had no jurisdiction to hear an appeal concerning the subject officer and that the other "parties" were not subject to a section 48 appeal. The appeal was accordingly dismissed for lack of jurisdiction.

DISMISSED – LACK OF PROSECUTION:

- ❖ Mr. K. Atkinson was served with a Notice to Attend his appeal. On the date of the scheduled hearing Mr. Atkinson failed to attend. The Board was satisfied the appellant acted in a frivolous and vexatious manner in his conduct of the appeal. The appeal was dismissed for lack of prosecution. Costs were awarded against the appellant in the amount of \$1,000.00 in favour of the Police Service.
- ❖ Mr. S. Cross was served with a Notice to Attend his appeal. Mr. Cross failed to attend on the date of his scheduled hearing; nor did he provide any advance notice to the Board that he would not be in attendance. The Board was satisfied that the appellant acted in a frivolous and vexatious manner in the conduct of the appeal. The appeal was dismissed for lack of prosecution. Costs were awarded against the appellant in the amount of \$1,000.00 in favour of the Police Service.
- ❖ Mr. Y. Khedr-Selim filed an appeal by letters dated July 13 and August 19, 1998. On December 9, 1998, the Board forwarded a Notice of the appeal hearing to the appellant by Double Registered mail. On January 4, 1999, the Board office received notification from Canada Post advising that service was unsuccessful. The appellant at no time notified the Board with respect to any change of address. This matter came on for hearing as provided for in the Notice to the appellant. Mr. Khedr-Selim did not appear at the required time and place specified in the Notice. The appeal was subsequently dismissed for lack of prosecution.
- ❖ Mr. Kirchmeir was served with a Notice to Attend his hearing and advised the Board in writing of his intentions to proceed with his appeal on the scheduled date. On the date of scheduled hearing Mr. Kirchmeir failed to attend for his appeal, nor did he provide the Board with any advance notice that he would not be in attendance. The Board was satisfied that the appellant acted in a frivolous and vexatious manner in the conduct of his appeal. The appeal was dismissed for lack of prosecution and costs were awarded against the appellant in the amount of \$500.00 in favour of the Police Service.
- ❖ Ms. Marson was served with a Notice to Attend her hearing. Correspondence was also issued which advised the appellant that were she not to attend her scheduled hearing and fail to notify the Board in advance, that failure would be considered on any application for costs made by the respondent. Ms. Marson failed to appear for her scheduled hearing, nor did she notify the Board in advance of her non-attendance. Counsel for the Police Service sought costs against the appellant in view of the preparation time and lost time of police

members involved. The Board was satisfied that the appellant acted in a frivolous and vexatious manner in her conduct of this appeal. The appeal was dismissed for lack of prosecution. Costs were awarded against the appellant in the amount of \$1,000.00 in favour of the Police Service.

- ❖ Mr. K. Sasorith's hearing was adjourned from a previous date, at his request. The hearing was re-scheduled and Mr. Sasorith was served with a Notice to Attend for his appeal. Mr. Sasorith failed to attend his hearing. In addition he failed to provide any advance notice to the Board that he would not be in attendance. The appeal was dismissed for lack of prosecution and costs were awarded against the appellant in the amount of \$1,000.00 in favour of the Police Service.
- ❖ Mr. D. Wozney appealed the decision of Inconclusive by the Chief of Police. This matter was set down for hearing and Notice to that effect was served on Mr. Wozney. Mr. Wozney advised the Board office that he would not be attending his hearing as scheduled. The hearing proceeded as scheduled and the appeal was accordingly dismissed for lack of prosecution. Arising from the hearing was a Collateral issue related to the lawful obligation of appellants concerning the making of a "complaint" and the obligation of the Chief of Police related to the investigation of a "complaint". The Board was satisfied that the current law in Alberta clearly does not oblige a citizen to submit to an investigative interview after the filing of a sufficient written complaint. A copy of the Board's decision was forwarded to the Police Commission as a matter of information.

WITHDRAWN:

- ❖ Mr. J. Delia filed an appeal with the Board on September 28, 1998. On April 12, 1999, written notification was received from Mr. Delia withdrawing his appeal.
- ❖ Ms. L. Dittrick filed an appeal with the Board on July 12, 1999. On October 18, 1999, Ms. Dittrick advised the Board of her intention to withdraw her appeal.
- ❖ Mr. B. Fozzard filed an appeal on July 12, 1999. On September 1, 1999, further correspondence from Mr. Fozzard advising the Board of his intention to withdraw his appeal.
- ❖ Mr. D. Lester filed an appeal with the Board on February 26, 1999. On June 14, 1999, further notification was received from Mr. Lester withdrawing his appeal.
- ❖ Mr. G. Marshall filed an appeal with the Board on June 10, 1999. On November 1, 1999, Mr. Marshall advised the Board of his intention to withdraw his appeal.
- ❖ Ms. C. Morin filed an appeal with the Board on July 21, 1998. On April 12, 1999, notification was received from Ms. Morin withdrawing her appeal.

- ❖ Mr. W. Mosher filed an appeal with the Board on February 2, 1998. On January 14, 1999, further notification was received from Mr. Mosher withdrawing his appeal.
- ❖ Mr. J. Savoie filed an appeal with the Board on October 26, 1998. On May 21, 1999, further notification was received from Mr. Savoie's counsel requesting the appeal be withdrawn.
- ❖ Dr. C. Smith filed an appeal with the Board on June 21, 1999. On October 19, 1999, further notification was received from Dr. Smith withdrawing his appeal.

OTHER:

- ❖ The Board issued an Order arising from it's decision in **Beare v. Phee, et al.** (No. 002-98), where the Chief of Police was DIRECTED to proceed with a charge and disciplinary hearing against one of the respondent officers. The respondent officer appealed the Board's DIRECTION to the Court of Appeal. The Board provided the Police Service with an extension of the Board's DIRECTION to allow for the hearing of the appeal. A Discontinuance of the respondent officer's appeal was eventually filed with the Court of Appeal and as a consequence the Board's extension was withdrawn. The Board then ORDERED the Chief of Police to proceed with the Board's DIRECTION that a disciplinary hearing be conducted into this matter.

OFFICER APPEALS

ALLOWED OR ALLOWED IN PART:

- ❖ Cst. J. Cichon filed an appeal as a result of an Official Warning. Cst. Cichon wrote a letter, under an assumed name, to the Service regarding an ongoing traffic problem in his neighborhood. Although the actions of Cst. Cichon were objectionable and thoughtless, the Board was not persuaded that an Official Warning was warranted. The appeal was ALLOWED and the Official Warning was quashed. Cst. Cichon was CAUTIONED by the Board for his actions.
- ❖ Cst. E. Richardson filed an appeal as a result of an Official Warning issued to her for Insubordination – failure to identify herself. On cross-examination (during the appeal hearing) the complainant testified that officers gave their names but the complainant did not have a chance to write down the names. As a consequence of the sworn testimony of the complainant the appeal was allowed and the Official Warning was quashed.

- ❖ Cst. K. Shalley filed an appeal to set aside an Official Warning she received for Corrupt Practice. The complaint was Sustained on the basis that Cst. Shalley used her position as a police officer to her advantage in that she produced her Police Service identification when she did not have enough money to pay for cab fare. The appeal was conducted on the record. Oral arguments from both parties were submitted to the Board. On balance the Board was satisfied that Cst. Shalley did not intentionally depart from the cab with the knowledge that she was short of funds but would in any event talk her way around the fare requirements by using her badge. The Board was furthermore satisfied that, on the whole of the evidence, no appreciable advantage accrued in the circumstances. The appeal was allowed and the Official Warning issued to Cst. Shalley for Corrupt Practice was QUASHED. Cst. Shally was ADMONISHED by the Board for her unsuitable off-duty conduct.
- ❖ Cst. B. Shorn filed an appeal as a result of an Official Warning issued to him for failing to identify himself, leaving the complainant handcuffed in excess of lawful authority, and violating the individual's rights under the Charter of Rights. As a consequence of the sworn testimony of the complainant, the Official Warning was set aside, in the context of failure to provide officer identification. The appeal was allowed on this aspect only. With respect to the other two aspects of the Official Warning, no evidence was heard by the Board that would, in any manner, provide a foundation for questioning the complainant's allegations regarding detention, unlawful handcuffing, or failure to provide Charter Rights. In the result the Board dismissed the appeal on the remaining two aspects.

DISMISSED UPON HEARING:

- ❖ Cst. E. Wilde filed an appeal resulting from a penalty imposed for Discreditable Conduct. Cst. Wilde received a "Suspension Without Pay" for a period of 60 hours for an altercation he was involved in while off-duty. This appeal was based entirely on the police service record and the arguments of counsel. Specific documents were identified to form the record. A review of the record demonstrated that the Presiding Officer gave thorough consideration to the facts of the matter and to all mitigating and aggravating circumstances. The appellant had not persuaded the Board that the Presiding Officer erred in any manner in his assessment of the circumstances or in the proper consideration of the various factors. The Board was of the view that the penalty was in no particular way excessive or unreasonable. For the reasons previously stated, the Board determined that the appeal must be dismissed.

STATISTICAL ANALYSIS OF APPEALS FILED WITH THE BOARD

SUMMARY OF COMPLAINT ALLEGATIONS:

In 1997, the Board conducted a review of the types of complaints heard on appeal by the Board since 1992. During that period a total of 328 complaints were brought forward regarding officer conduct. The complaints were categorized and classified as follows:

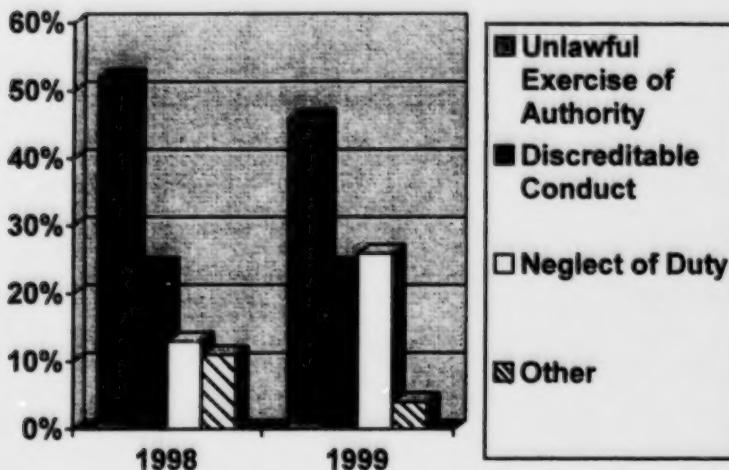
<u>Classification of Misconduct</u>	<u>No. of Complaints</u>
Unlawful or unnecessary exercise of authority	146
- excessive force (prior to/during arrest) (57)	
- unlawful arrest/detainment (42)	
- unnecessary exercise of authority (29)	
- improper search/unlawful entry (18)	
Discreditable Conduct	76
- rude/abusive behavior or language (48)	
- inappropriate conduct (17)	
- Prejudice or bias (11)	
Neglect of Duty	70
- failure to conduct a proper investigation (23)	
- failure to Charter/advise rights (11)	
- Other (36)	
Deceit	24
Corrupt Practice	7
Improper Use of Firearms	3
Breach of Confidence	<u>2</u>
Total	328

Since 1998, the Board has conducted an annual review of the types of allegations brought forward by appellants. This information is useful in that it provides the Board and other law enforcement agencies in Alberta with an overview of the types of misconducts alleged by appellants. It also alerts law enforcement agencies to recognize that these types of misconducts, if substantiated, may need to be addressed through education, training or policy directives.

Table 1
Complaint Allegations

ALLEGATIONS OF MISCONDUCT	1998 <i>n=54</i>	1999 <i>n=85</i>
Unlawful/Unnecessary Exercise of Authority		
- excessive force (prior to/during arrest)	6 (11%)	16 (18%)
- unlawful arrest/detainment	4 (8%)	9 (11%)
- unnecessary exercise of authority	12 (22%)	13 (15%)
- improper search/unlawful entry	6 (11%)	2 (2%)
Total	28 (52%)	40 (46%)
Discreditable Conduct		
- rude/abusive behaviour or language	8 (15%)	9 (11%)
- inappropriate conduct	2 (4%)	10 (12%)
- prejudice or bias	3 (5%)	1 (1%)
Total	13 (24%)	20 (24%)
Neglect of Duty		
- failure to conduct a proper investigation	4 (7%)	4 (5%)
- failure to Charter/advise rights	1 (2%)	4 (5%)
- other	2 (4%)	14 (16%)
Total	7 (13%)	22 (26%)
Deceit	4 (7%)	0
Corrupt Practice	0	1 (1%)
Breach of Confidence	1 (2%)	1 (1%)
Improper Use of Firearms	1 (2%)	0
Insubordination	0	2 (2%)

Chart 1
Comparison of Complaint Allegations



Summary of Activities – 1997 to 1999:

♦ **1997**

Statistical analysis for 1997, does not indicate where it was appropriate to deliver a Board admonishment or caution. One officer was admonished for arresting and charging an appellant in the absence of lawful grounds. Three officers were cautioned. This is not reflected in Table 4 – Disposition of Complaints. Also absent from the Table is a report on References and/or Recommendations to police commissions on matters concerning policies and practices. The Board made four References and/or Recommendations to police commissions regarding service/policy issues. In addition one Reference was made to a Chief of Police concerning the use of database systems to obtain personal information. Also absent from the statistical table are figures concerning the awarding of costs under s. 20(4)(a) of the *Police Act*. In 1997, the Board awarded costs in the total amount of \$2,500 against citizens for bringing forward frivolous and vexatious appeals. In one instance costs were awarded against an officer in favour of the police service concerned.

In 1997, the Board heard one appeal involving a Special Constable. There were no appeals filed involving private investigators or security guards.

♦ **1998**

Statistical analysis for 1998, does not indicate where it was appropriate to deliver a Board admonishment of caution. One officer was cautioned with respect to the issue of conditional release. This is not reflected in Table 4 – Disposition of Complaints. Also absent from the Table is a report on the References and/or Recommendations to police commissions. The Board made four References and/or Recommendations to police commissions concerning issues related to policies and practices. In addition two references were made to a Chief of Police. Also absent from the statistical table are figures concerning the awarding of costs under s. 20(4)(a) of the *Police Act*. In 1998, the Board ordered costs against citizen appellants in three appeals for a total of \$2,500.00, payable to the appropriate Service, for bringing forward frivolous and vexatious appeals.

♦ **1999**

Statistical analysis for 1999, does not indicate where it was appropriate to deliver a Board admonishment of caution. One officer was cautioned for using a false name and three officers were admonished. This is not reflected in Table 4 – Disposition of Complaints. Also absent from the Table is a report on the References and/or Recommendations to police commissions. The Board made five References/Recommendations to police commissions concerning issues related to policies and practices. In addition four references were made to a Chief of Police. Also absent from the statistical table are figures concerning the awarding of costs under s. 20(4)(a) of the *Police Act*. In 1999, the Board ordered costs against citizen appellants in five appeals for a total of \$4,500.00, payable to the appropriate Service, for bringing forward frivolous and vexatious appeals.

Table 2
Summary of Board Activities – 1997-99

	1997	1998	1999
Appeals Disposed of	43	43	43
Allowed/Allowed in Part	4 (9%)	3 (7%)	12 (28%)
Dismissed:			
Upon Hearing	22 (51%)	19 (44%)	13 (30%)
Lack of Prosecution	5 (12%)	7 (16%)	7 (16%)
Lack of Jurisdiction	2 (5%)	0	1 (2%)
Withdrawn	10 (23%)	14 (33%)	9 (22%)
Other	0	0	1 (2%)

Table 3
Demographic Location of Appeals Filed

Location	1997	1998	1999
Calgary	20 (47%)	17 (39%)	22 (51%)
Edmonton	18 (42%)	16 (37%)	17 (39%)
Lethbridge	4 (9%)	4 (9%)	0
Medicine Hat	1 (2%)	2 (5%)	3 (8%)
Lacombe	0	2 (5%)	1 (2%)
Taber	0	2 (5%)	0
Total	43 (100%)	43 (100%)	43 (100%)

Table 4
Disposition of Complaints – 1997-1999

DISPOSITION	1997			1998			1999					
	CIVILIAN	POLICE	TOTAL	%	CIVILIAN	POLICE	TOTAL	%	CIVILIAN	POLICE	TOTAL	%
Appeals Allowed/Allowed in Part												
• Calgary	1	1	2	5	1	1	2	10	5	3	12	28
• Edmonton												
• Lethbridge												
• Medicine Hat												
Appeals Dismissed Upon Hearing												
• Calgary	9	2	22	51	9	7	19	44	8	3	13	30
• Edmonton	10				7	2			3	1		
• Lethbridge					2							
• Medicine Hat	1						1					
• Taber									1			
• Lacombe												
Appeals Dismissed for Lack of Prosecution												
• Calgary	3	1	5	12	4	2	7	16	3	4	7	16
• Edmonton												
• Lethbridge												
• Medicine Hat												
Appeals Dismissed for Lack of Jurisdiction												
• Calgary					2	5						
• Edmonton		2										
• Lethbridge												
Withdrawn by Complainant												
• Calgary	4	1	10	23	2	5	14	33	3	4	9	22
• Edmonton												
• Lacombe												
• Lethbridge												
• Medicine Hat		2			2	2			2			
• Taber							1					
Other												
• Medicine Hat									1		1	2
TOTAL	39	4	43	100	38	5	43	100	38	5	43	100
• Calgary	17	3	20	47	15	2	17	39	19	3	22	51
• Edmonton	17	1	18	42	15	1	16	37	15	2	17	40
• Lacombe											1	2
• Lethbridge												
• Medicine Hat	4		4	9	4		4	9	5	3	3	7
• Taber	1		1	2			2	2	2			

Table 5
Breakdown and Disposition of 1999 Appeals

POLICE SERVICE	ALLOWED	ALLOWED IN PART	DISMISSED UPON HRG.	DISMISSED LACK OF PROSECUTION	DISMISSED LACK OF JURISDICTION	WITHDRAWN	OTHER
EDMONTON	Cichon, Cst. J.* Currie, G. Grabowsky, K.	Drews, D.	Lee, K. Wilde, Cst. E.* Deslauriers, M. Blanes, A.	Khedr-Selim, Y. Kirchner, H. Sasonith, K. Wozney, D.	Zachow, L.	Mosher, W. Morin, C. Lester, D. Dittrick, L.	
CALGARY	Shalley, Cst. K.* Richardson, Cst. E.*	Armitage, E. A.P.	Thomson, J. Gyoerick, D. Tiedemann, R. Castillo, F.	Atkinson, K. Cross, S. Marson, P.	Brown, Q.	Delta, J. Fozzard, B. Marshall, G.	
		Lowry, V.	Schorn, Cst. B.*	Taylor, B.	Sharpe, B.		
			Marin, W.	Janzen, H.	Skaff, J.		
MEDICINE HAT						Smith, C.	
LACOMBE						Savoie, J.	Beare, J.

* represents officer appeals

Citizen Appeals:	38
Officer Appeals:	5
TOTAL APPEALS:	43